



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,885	11/21/2003	Gary A. Hoberman	37799-00200	1487
27171	7590	10/25/2006	EXAMINER	
MILBANK, TWEED, HADLEY & MCCLOY 1 CHASE MANHATTAN PLAZA NEW YORK, NY 10005-1413			CHAVIS, JOHN Q	
			ART UNIT	PAPER NUMBER
			2193	

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,885

Applicant(s)

HOBERMAN, GARY A.

Examiner

John Chavis

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/31/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. The claimed invention is directed to non-statutory subject matter. The claimed invention in claim 11 is non-statutory; since, it is claimed as transmitted code.

Patentable subject matter of this type would be stored on a computer readable medium (a manufactured item), a method (process) comprising specific computer implemented steps or a means for executing (machine) the specific steps of each method. The claimed "transmitted code" is not considered to fit into either of the statutory classes indicated above. Therefore, the claims are non-statutory.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Rodrigues et al. (6,067,639).

Claims

1. A method for software application development, the method comprising: characterizing the file format and data structure of at least one known input file type; and

Rodrigues

See the title, abstract and col. 3 lines 25-29.

creating a library comprising a plurality of jobs,

See col. 3 lines 29-35.

each job configured to perform a predetermined function and each job including an indicator of job termination, wherein the indicator is either termination success or termination failure, and

See col. 3 lines 51-65 and col. 2 lines 4-11.

the plurality of jobs are configured for linking according to the indicator, with at least one of the jobs configured to read the file format and data structure of the known input file

“ “ “ “

and convert that input file to another file format or data structure.

See col. 4 lines 16-36.

2. A method according to claim 1, wherein the library of jobs comprise at least one job configured for extracting data from a file.

See col. 3 line 33-39.

3. A method according to claim 1, wherein the library of jobs comprise at least one job configured for archiving files.

See col. 4 lines 27-33.

4. A method according to claim 1, wherein the library of jobs comprise at least one job configured for loading files.

See col. 9 lines 26-31.

5. A method according to claim 1, wherein the library of jobs comprise at least one job configured for messaging.

See col. 13 lines 37-45, col. 14 lines 15-19, col. 14 lines 35-40 and col. 17 lines 53-64.

6. A method according to claim 1, wherein the library of jobs comprise at least one job configured for

See the information above and col. 9 lines 18-28.

transforming data in a file.

7. A method according to claim 1, wherein the library of jobs comprise at least one job configured for validating data in a file.

See col. 6 lines 10-19.

8. A method according to claim 1, further comprising: creating a job stream library, the job stream library comprising at least one job stream, the job stream comprising individual jobs from the library of jobs, and the at least one job stream in the job stream library including an indicator of job termination, wherein the indicator is either termination success or termination failure.

See the rejections above.

9. A method according to claim 1, further comprising adding jobs to the library of jobs.

See claim 12 of '639.

Claims 10-14 are rejected as claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodrigues in view of the applicant's choice of selecting the delivery method of data.

While Rodrigues does not specifically mention receiving the data file as an email attachment (although he provides for porting to different environments), the feature is considered a choice of design and merely a selection not related to the development of the software application. Claims 16-17 is rejected for the same reason specified in the rejection of claim 15 above. Rodrigues also does not provide for checking security access, as indicated in claim 18; however, the feature would have been obvious to a person having ordinary skill in the art at the time of the invention to ensure the files are transmitted to authorized users.

Rodrigues also does not teach the feature of utilizing a visual interlinking of jobs (claim 19); however, the feature would have been obvious to a person having ordinary skill in the art at the time of the invention to show the user how jobs are linked to simplify the development process and enable easy modification of existing processes. Rodrigues also does not indicate that a specific programming language (claim 20) is utilized; however, it would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize a specific programming language to take advantage of its specific features, such as ease of use, compatible with most systems and simplifying the process of transmitting to other systems (such as via email).

Rodrigues teach each of the features of claims 21-24 except the manager feature; however in the following locations certain management functions exist, see col. 4 lines 45-51 and col. 6 lines 53-67 and col. 15 lines 47-51. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to enable management functions to be created along with the developed software to ensure

Art Unit: 2193

compatibility and to enable control and testing of the specific functions created during development.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (571) 272-3720. The examiner can normally be reached on M-F, 9:00am-5:30pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC



John Chavis
Primary Examiner AU-2193